

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

Hartford Fire Insurance Company,)	
)	
Plaintiff,)	
)	No. 1:07-cv-06664
vs.)	
)	Judge James F. Holderman
Drew Brauer,)	
)	Mag. Judge Arlander Keys
Defendant.)	

FORM 35 REPORT OF PARTIES' PLANNING MEETING

Plaintiff, Hartford Fire Insurance Company ("Hartford"), and Defendant, Drew Brauer ("Brauer"), by their attorneys, hereby submit the Form 35 Report of Parties' Planning Meeting:

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on April 25, 2008 by telephone conference and was attended by Paul Parker, representing Plaintiff Hartford, and Jacqueline Lower, representing Defendant Brauer, and again on April 28, 2008, by telephone conference attended by Paul Parker, and James Harrison representing Brauer.

2. Pre-Discovery Disclosures. The parties will exchange by June 5, 2008 the information required by Fed.R.Civ.P. 26(a)(1).

3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

A. Discovery will be needed on the following subjects:

Defendant Brauer: Discovery will be needed on Plaintiff's claims and Defendant's defenses.

Plaintiff Hartford: Discovery may not be needed and Plaintiff may file with the Court with a Motion for Summary Judgment showing that discovery is not needed. If the Court determines that discovery is necessary, Plaintiff likely will request a stay.

B. To the extent the Court determines that discovery is necessary, all discovery will be completed by

Plaintiff Hartford: May 8, 2009.

Defendant Brauer: Dec. 1, 2008.

C. To the extent the Court determines that discovery is necessary, a maximum of [45 (Hartford), 30 (Brauer)] interrogatories by each party to any other party. Responses due consistent with Federal Rules.

D. To the extent the Court determines that discovery is necessary, a maximum of [45 (Hartford), 25 (Brauer)] requests for admission by each party to any other party. Responses due consistent with Federal Rules.

E. To the extent the Court determines that discovery is necessary, an estimated maximum of [10 (Hartford), 5 (Brauer)] depositions by plaintiff and [10 (Hartford), 5 (Brauer)] by defendant. Each deposition limited to maximum of [7 (Hartford), 3 (Brauer)] hours unless extended by agreement of parties.

F. To the extent the Court determines that discovery is necessary, reports from retained experts under Rule 26(a)(2) due:

Defendant Brauer:

from Plaintiff Hartford by Jan. 30, 2009.

from Defendant Brauer by Feb. 27, 2009.

Plaintiff Hartford:

from Defendant Brauer by June 15, 2009.

from Plaintiff Hartford by July 22, 2009.

(Basis: it is Defendant's burden to prove that coverage exists, e.g. O'Mara v. Metropolitan Ins. Co., No. 88 C 7858, at p. *2, 1989 U.S. Dist. LEXIS 12060 (N.D. Ill. Oct. 5, 1989)).

G. Supplementations under Rule 26(e) due (time(s) or interval(s)):

Plaintiff Hartford: May 22, 2009.

Defendant Brauer: Dec. 31, 2008

4. Other Items.

5. The parties request a conference with the court before entry of the scheduling order to discuss Hartford's pending motion for protective order and contemplated motion practice.

6. The parties request a pretrial conference in (month and year):

Plaintiff Hartford: November 2009.

Defendant Brauer: January 2009.

7. Plaintiff should be allowed until May 9, 2008 to join additional parties and until May 9, 2008 to amend the pleadings.

8. Defendant should be allowed until May 30, 2008 to join additional parties and until May 30, 2008 to amend the pleadings.

9. All potentially dispositive motions should be filed by:

Plaintiff Hartford: August 21, 2009.

Defendant Brauer: February 2, 2009

10. Settlement is unlikely, but cannot be evaluated prior to Aug. 21, 2009, [Hartford] and may be enhanced by use of mediation.

11. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

Plaintiff Hartford:

from Plaintiff Hartford by Sept. 30, 2009.

from Defendant Brauer by Oct. 15, 2009.

Defendant Brauer:

from Plaintiff Hartford by April 17, 2009.

from Defendant Brauer by May 1, 2009.

12. Parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

13. The case should be ready for trial by [Hartford: November 13, 2009, Brauer: May 18, 2009] and at this time is expected to take approximately 2 days (length of time).

14. [Other matters]

Date: April 29, 2008

Respectfully submitted,

Attorney for Plaintiff,
Hartford Fire Insurance Company

Attorney for Defendant,
Drew Brauer

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CERTIFICATE OF SERVICE

I hereby certify that, on April 29, 2008, I electronically filed the foregoing Form 35 Report of Parties' Planning Meeting using CM/ECF SYSTEM which will send notification of such filing to the following:

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s:/Paul T. Parker
Paul T. Parker